

wherein said network support code is used to enable said computer to establish said secure network connection via said firewall to said server computer;

wherein malware detection is performed upon said computer using said one or more malware detection files.

26. (New) A removable physical media as claimed in claim 1, wherein said computer is configured in its BIOS settings to boot from said removable physical media.

27. (New) A removable physical media as claimed in claim 1, wherein booting said computer with said non-installed operating system read from said removable physical media is based on a determination that a bootable removable media is present.

28. (New) A removable physical media as claimed in claim 1, wherein said remote computer determines said one or more malware detection files that are downloaded to said computer.

29. (New) A removable physical media as claimed in claim 28, wherein said one or more malware detection files are determined based on said non-installed operating system.

30. (New) A removable physical media as claimed in claim 28, wherein said one or more malware detection files are determined based on a malware detection product.

31. (New) A removable physical media as claimed in claim 1, wherein said remote computer logs said downloading of said one or more malware detection files by said computer.

REMARKS

The Examiner has objected to Claims 1-8 due to informalities. Applicant respectfully notes that such objection has been avoided in view of the amendments made to Claim 1.

The Examiner has objected to the drawings. Such objection is deemed avoided by virtue of the replacement sheets submitted herewith.

The Examiner has suggested that use of the trademark WINDOWS PE be capitalized wherever it appears and be accompanied by the generic terminology. Applicant has amended the specification as suggested by the Examiner.

The Examiner has rejected Claim 25 under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. Specifically, the Examiner has argued that “the specification does not describe the server booting the local computer such that one having ordinary skill in the art at the time of the invention was made could make or use such server.” Applicant respectfully point out that such rejection has been avoided in view of the amendments made to Claim 25.

The Examiner has rejected Claims 5-6, 13-14, 21-22, and 25 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to former Claims 5, 13, and 21 (now at least substantially incorporated into each of the independent claims), the Examiner has argued that “it is unclear what effect the firewall has on the claim(s).” Applicant respectfully disagrees and asserts that applicant specifically claims a “firewall computer disposed between said computer and said remote computer [that] is operable to block a connection between said computer and said remote computer other than said secure network connection” (emphasis added), as claimed.

Further, with respect to Claims 6, 14, and 22, the Examiner has stated that “the claims contain the trademark/trade name Windows PE” that is “used to identify/describe a version of the Windows operating system and, accordingly, the identification/description is indefinite.” Applicant respectfully asserts that such rejection is deemed moot in view of the cancellation of the foregoing claims.

Additionally, with respect to Claims 17-24 and 25, the Examiner has argued that “the claims are directed to a computer, but method steps rather than components are recited.” Applicant respectfully points out that such rejections have been avoided in view of the amendments made to Claims 17 and 25, as suggested by the Examiner.

Also, with respect to Claim 25, the Examiner has argued that “it is unclear whether it is the computer or the server computer that is performing the steps of detecting malware and the steps of booting, loading, downloading and performing malware detection.” Applicant respectfully points out that such rejection has been avoided in view of the amendments made to Claim 25.

The Examiner has rejected Claims 1-3, 7-11, 15-19, and 23-25 under 35 U.S.C. 102(b) as being anticipated by Reinert (U.S. Patent No. 6,347,375). Applicant respectfully disagrees with such rejection, especially in view of the amendments made hereinabove to each of the independent claims. Specifically, applicant has amended the independent claims to at least substantially include the subject matter of former dependent Claims 4 and 5 et al., along with additional language supported by the specification, as originally filed.

With respect to the independent claims, the Examiner has relied on the following excerpt from Reinert to make a prior art showing of applicant’s claimed “loading network support code for said computer read from said removable physical media” (see this identical language in the independent claims).

"If the local user desires to connect with the remote computer 54, a communications program is invoked by the local user to establish a communications connection..." (Col. 7, lines 65-67)

Applicant respectfully asserts that the excerpt relied upon by the Examiner merely teaches that "a communications program is invoked by the local user to establish a communications connection" (emphasis added). However, only generally invoking a communications program, as in Reinert, fails to specifically suggest "loading network support code for said computer **read** from said removable physical media" (emphasis added), as claimed by applicant.

The Examiner is reminded that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. *Verdegaal Bros. v. Union Oil Co. Of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, the identical invention must be shown in as complete detail as contained in the claim. *Richardson v. Suzuki Motor Co.* 868 F.2d 1226, 1236, 9USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim.

This criterion has simply not been met by the above reference, as noted above. Nevertheless, despite such paramount deficiencies and in the spirit of expediting the prosecution of the present application, applicant has substantially incorporated the subject matter of dependent Claims 4 and 5 et al. into each of the independent claims.

With respect to the subject matter of former dependent Claim 5 et al. (now at least substantially incorporated into each of the independent claims), the Examiner has rejected the same under 35 U.S.C. 103(a) as being unpatentable over Reinert, in view of Yadav (U.S. Publication No. 2003/0149887). Specifically, the Examiner has argued that "it is inherent that Reinert's communication program's connection (secured, as taught by Yadav) will traverse a firewall" in order to make a prior art showing of applicant's claimed technique "wherein a firewall computer disposed between said computer and

said remote computer is operable to block a connection between said computer and said remote computer other than said secure network connection.”

Applicant respectfully disagrees. In particular, applicant specifically claims “a firewall computer disposed between said computer and said remote computer is operable to block a connection between said computer and said remote computer other than said secure network connection” (emphasis added), and not merely that a connection traverses a firewall, as suggested by the Examiner. It thus appears that the Examiner has relied on an inherency argument regarding the above emphasized claim limitations. In view of the arguments made hereinabove, any such inherency argument has been adequately rebutted, and a notice of allowance or a specific prior art showing of such claim features, in combination with the remaining claim elements is respectfully requested. (See MPEP 2112)

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant’s disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir.1991).

Applicant respectfully asserts that at least the third element of the *prima facie* case of obviousness has not been met, since the prior art references, as relied upon by the Examiner, fail to teach or suggest all of the claim limitations, as noted above. Still yet, applicant has amended each of the independent claims to further distinguish applicant’s claim language from the above reference, as follows:

“wherein said network support code is used to enable said computer to establish said secure network connection via said firewall computer to said remote computer” (see this or similar, but not necessarily identical language in the independent claims).

Applicant respectfully asserts that only applicant teaches and claims the loading of network support code from removable physical media which specifically enables the secure network connection via the firewall.

Thus, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Still yet, applicant brings to the Examiner’s attention the subject matter of new Claims 26-31 below, which are added for full consideration:

“wherein said computer is configured in its BIOS settings to boot from said removable physical media” (see Claim 26);

“wherein booting said computer with said non-installed operating system read from said removable physical media is based on a determination that a bootable removable media is present” (see Claim 27);

“wherein said remote computer determines said one or more malware detection files that are downloaded to said computer” (see Claim 28);

“wherein said one or more malware detection files are determined based on said non-installed operating system” (see Claim 29);

“wherein said one or more malware detection files are determined based on a malware detection product” (see Claim 30); and

"wherein said remote computer logs said downloading of said one or more malware detection files by said computer" (see Claim 31).

Again, a notice of allowance or specific prior art showing of each of the foregoing claim elements, in combination with the remaining claimed features, is respectfully requested.

Thus, all of the independent claims are deemed allowable. Moreover, the remaining dependent claims are further deemed allowable, in view of their dependence on such independent claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-1351 (Order No. NAIIP492).

Respectfully submitted,
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Replacement Sheet

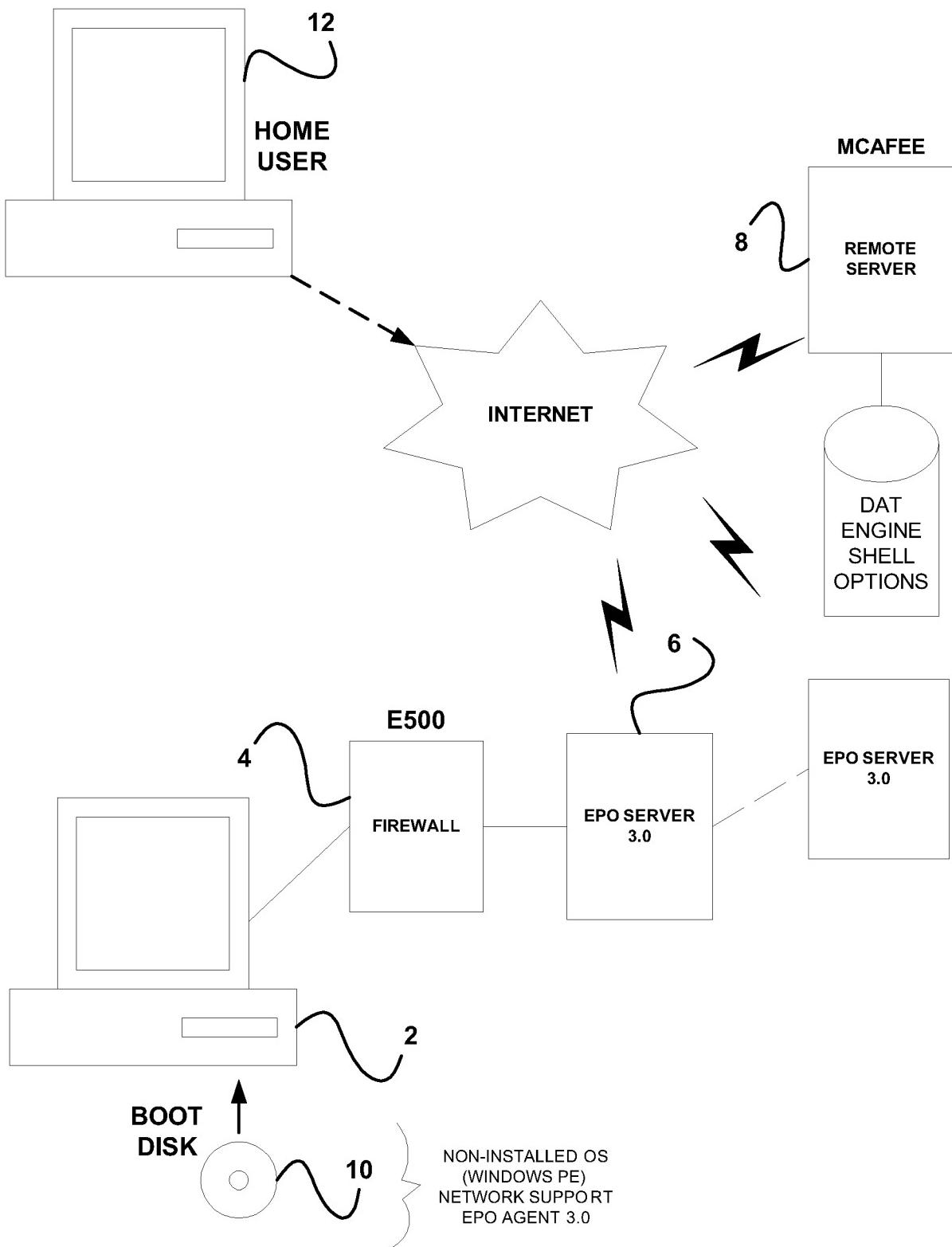


FIGURE 1

Replacement Sheet

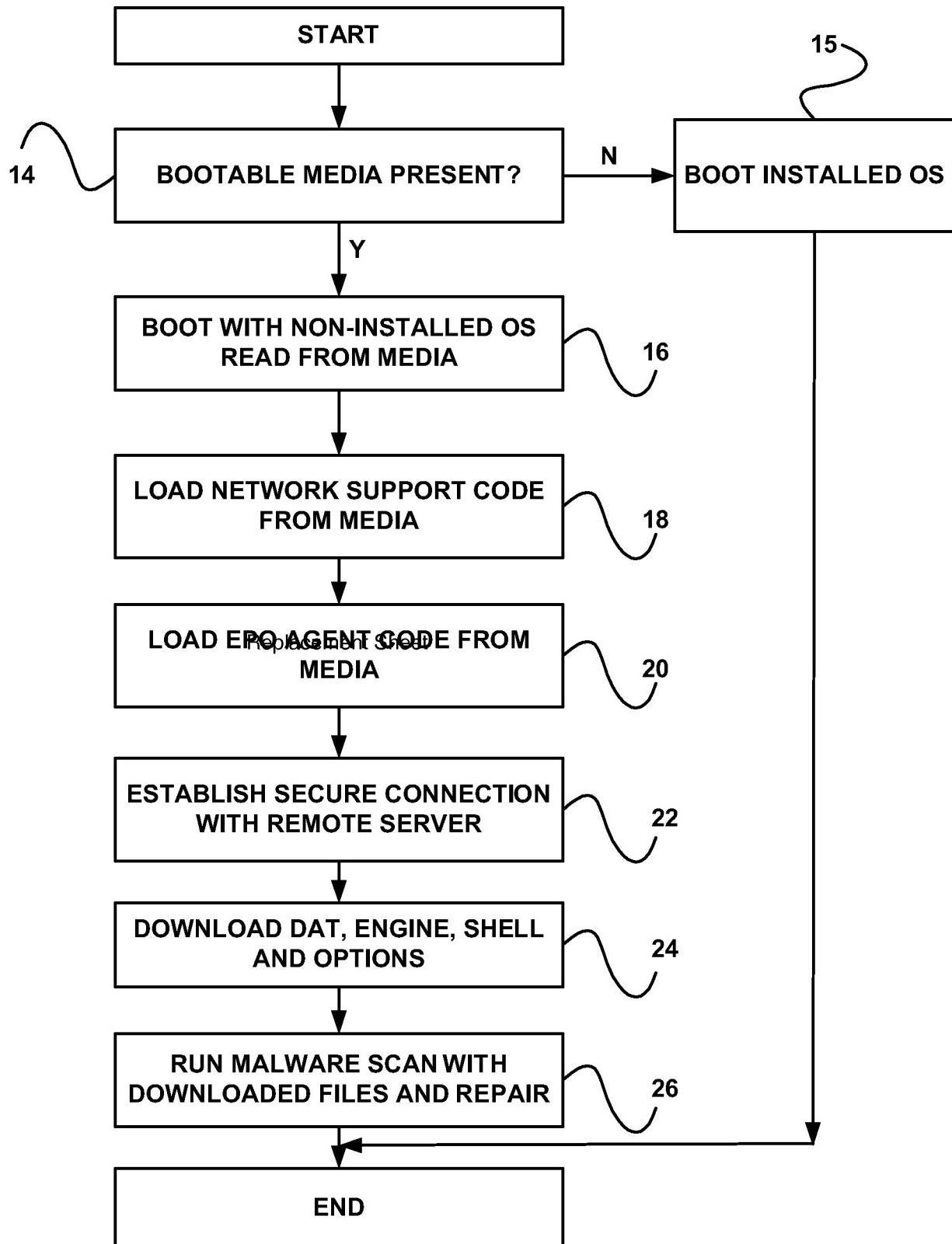


FIGURE 2

Replacement Sheet

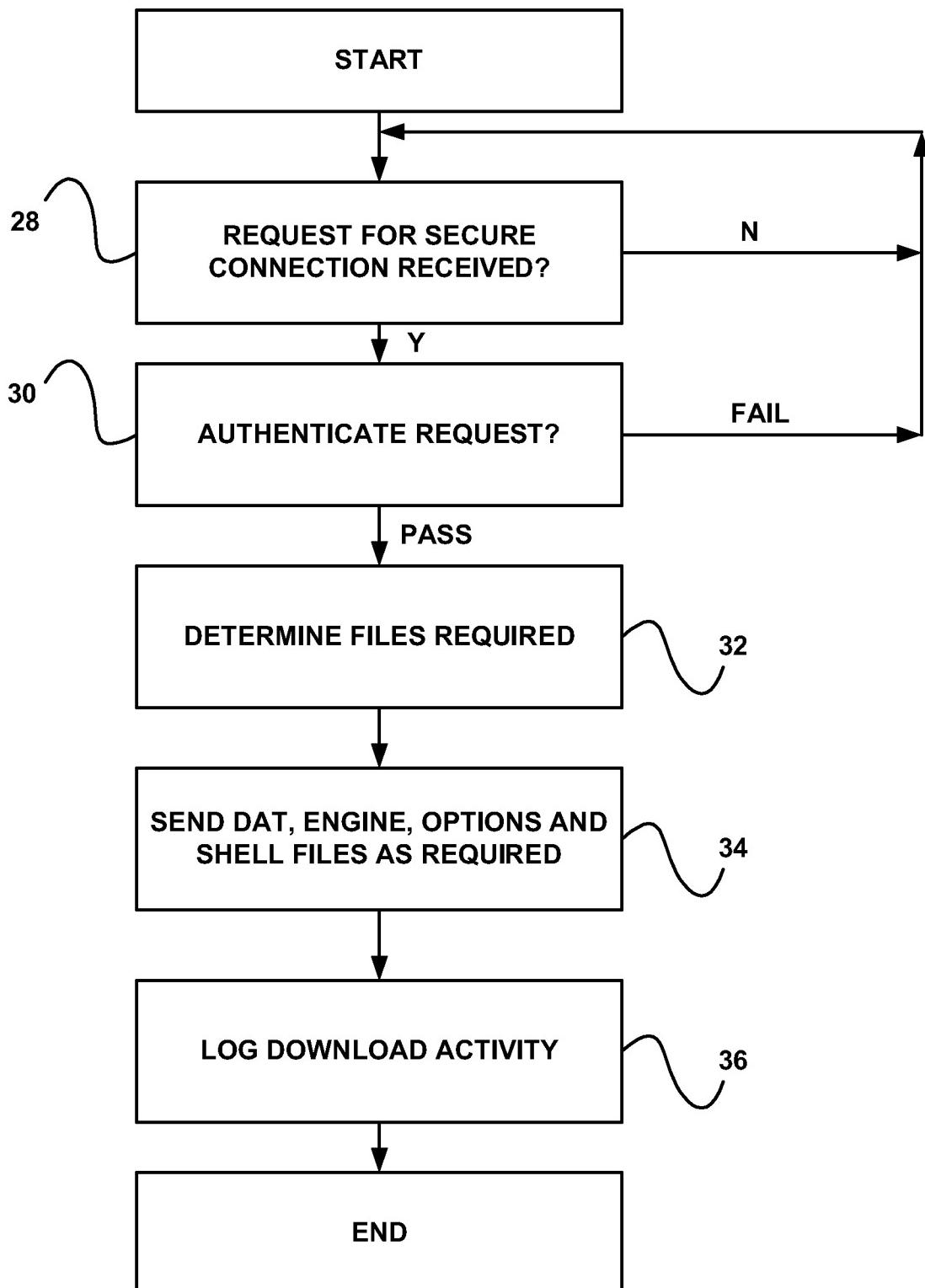


FIGURE 3